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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 FREDYS MARTINEZ,

10 Petitioner,

11 vs.

12 JACK PALMER, et al.,

13 Respondents.
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Case No. 3:10-CV-00777-ECR-(VPC)

ORDER

15 The court directed petitioner to show cause why this action should not be dismissed as
16 untimely. Order (#7). Petitioner has responded (#9), arguing that he is actually innocent and that a
17 language barrier has kept him from understanding what he needed to do. Given the seriousness of
18 the crimes for which petitioner was convicted and his limited understanding of English, the court
19 will not dismiss the action at this time. Instead, the court will ask the Federal Public Defender
20 whether he is able to represent petitioner. Respondents may then raise the issue of timeliness if they
21 wish.

22 Petitioner's other motions are moot because the court is appointing counsel.

23 IT IS THEREFORE ORDERED that petitioner's motions for appointment of counsel (#3,
24 #5, #11, #12) are **GRANTED**. The Federal Public Defender is provisionally appointed to represent
25 petitioner.

26 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
27 from the date that this order is entered to undertake direct representation of petitioner or to indicate
28 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender


1 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
2 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
3 then the court shall appoint alternate counsel.

4 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
5 General for the State of Nevada, as counsel for respondents.

6 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
7 General of the State of Nevada and the Federal Public Defender a copy of the petition (#8) and a
8 copy of this order.

9 IT IS FURTHER ORDERED that petitioner's motion for an evidentiary hearing (#4),
10 motion to make additional funds available (#6), motion for investigation (#10), motion to extend
11 prison copywork limit (#13), motion for investigation (#14), motion to amend petition (#15), and
12 motion to extend time (#16) are **DENIED** as moot.

13 DATED this 18th day of August 2011.

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15 EDWARD C. REED
16 United States District Judge
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